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8 *Attorneys for the Federal Bureau of Investigation*
9 *and Todd Kopcha*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

12 Abdul Khabir Wahid,
13 Plaintiff,
14 v.
15 The Federal Bureau of Investigation, *et al.*
16 Defendants.
17

CV-15-01088-PHX-JJT (BSB)

**REPLY IN SUPPORT OF MOTION
TO STAY CASE PENDING
RESOLUTION OF CRIMINAL
PROCEEDINGS**

18 The Federal Bureau of Investigation (“FBI”) and Todd Kopcha, by and through
19 undersigned counsel, file this reply in support of their motion to stay proceedings.¹ The
20 basis of the motion to stay was the bar of *Heck v. Humphrey*, 512 U.S. 477 (1994) as applied
21 in *Wallace v. Kato*, 549 U.S. 384 (2007). Plaintiff’s response to the merits of the motion
22 is limited to arguing that he is not incapacitated and that he wishes to proceed as quickly
23 as possible. (Doc. 55). Neither of these considerations is relevant under *Wallace v. Kato*.
24 Plaintiff makes no effort to address *Wallace v. Kato*, dispute its logic, or its application to
25 this case. Accordingly, for the reasons in the FBI and Agent Kopcha’s opening
26

27 ¹ With respect to the notice of non-filing (Doc. 54) Plaintiff asserts that there was
28 an error with delivery and that he still resides at his listed address. Based on the attachment
to his response the FBI and Agent Kopcha will address the response to the motion to stay
on its merits.

1 memorandum, the Court should stay this action until the conclusion of the federal criminal
2 case against Plaintiff, Abdul Khabir Wahid, Case No. 2:17-cr-360-JJT (D. Ariz.).

3 Respectfully submitted this 29th day of August, 2017.

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5 ELIZABETH A. STRANGE
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8 s/ Adam R. Smart
9 ADAM R. SMART
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CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and served a copy of the attached document and Notice of Electronic Filing to the following non-CM/ECF registrant via U.S. Mail:

Abdul Khabir Wahid
3407 W. Port Au Prince Lane
Phoenix AZ 85053

s/MBeckert
Office of the United States Attorney